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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,587	04/26/2005	Jan Koops	K346.312-0001	2861
164	7590	07/12/2005	EXAMINER	
KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002			SANTOS, ROBERT G	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/506,587

Applicant(s)

KOOPS, JAN

Examiner

Robert G. Santos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09022004</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____<br>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>6) <input type="checkbox"/> Other: _____. |
|--|---|

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities: In line 2, "foram" should be changed to --foam--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,317,908 to Walpin. As concerns claims 1, 2 and 10, Walpin '908 shows the claimed limitations of a pillow system (60) comprising at least a basis element (10) made of foam rubber, polyurethane foam, polyether foam or a comparable foam product (as described in column 2, lines 62-64), an adjustable pillow (11) fitted onto the basis element and a cover (50) for enclosing the basis element and the adjustable pillow, wherein the adjustable pillow is an inflatable pillow (as described in column 3, lines 37-49) and wherein the cover is made of an elastic material (as described in column 4, lines 30-33) and can be placed around the other constituent parts of the pillow system. With regards to claim 3, the reference is considered to show a condition wherein the basis element is provided with a depression (18), under operational condition transverse positioned to a user, which at least partly encloses the inflatable pillow. As

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concerns claims 4 and 5, the reference discloses a condition wherein on one side the basis elements if provided with a flap (30, 40) made of foam rubber, polyurethane foam, polyether foam or a comparable foam product (as described in column 3, lines 53-67 and in column 4, lines 1-19) and that under operational conditions the flap is positioned on top of the inflatable pillow, wherein the basis element is made of a relatively high density foam rubber, polyurethane foam, polyether foam or a comparable foam product (as described in column 2, lines 65-67 and in column 3, lines 1-4) and the flap of a relatively low density foam rubber, polyurethane foam, polyether foam or a comparable foam product (as described in column 3, lines 53-61).

4. Claims 1 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,016,303 to Tanaka et al. As concerns claims 1 and 10, Tanaka et al. '303 shows the claimed limitations of a pillow system (10) comprising at least a basis element (21) made of foam rubber, polyurethane foam, polyether foam or a comparable foam product, an adjustable pillow (22-26) fitted onto the basis element and a cover (40) for enclosing the basis element and the adjustable pillow, wherein the cover is made of an elastic material (as described in column 3, lines 61-63) and can be placed around the other constituent parts of the pillow system. With regards to claim 6, the reference is considered to show a condition wherein the basis element is at least substantially flat and that the adjustable pillow is in longitudinal cross section at least substantially wedge-shaped in Figures 3-5. As concerns claims 7 and 8, the reference discloses a condition wherein the adjustable pillow comprises a number of layers made of a relatively high-density foam rubber, polyurethane foam, polyether foam or a comparable foam product (as described in column 2, lines 61-66 and in column 3, lines 7-11), further wherein the at least one

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layer is in a longitudinal cross section at least substantially wedge-shaped (as shown in Figures 3-5). With regards to claim 9, the reference is considered to show a condition wherein the top side of the pillow system is provided with a layer made of a relatively low density foam rubber, polyurethane foam, polyether foam or a comparable foam product in column 2, lines 51-61.

### *Conclusion*


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pi '288, Walpin '467, Veilleux et al. '725, Walpin '312, Roberts '219, Khazaal '425, Sramek '380, Davis '879, Sramek '947, Wilhoit '514, Davis '633, Greenawalt et al. '564, Painter '784, Benoff '720, Sexton '933, Popitz '774, Harper '614, Greenawalt '743, Lahn et al. '921, Beier '035, Greenawalt '034, Dixon '543, McCarty '828, Fultz et al. '511 and Wenzelberger '554.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Robert G. Santos  
Primary Examiner  
Art Unit 3673

R.S.  
July 8, 2005